Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
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Delete, Delete, Delete	)	GN Docket No. 25-133

COMMENTS OF NEXSTAR MEDIA INC.

April 10, 2025

Kathleen A. Kirby
Eve Klindera Reed
Boyd Garriott
Stephanie Rigizadeh
Wiley Rein LLP
2050 M Street NW
Washington, DC 20036

Rachel Morgan
Executive Vice President & General Counsel
Nexstar Media Inc.
545 E. John Carpenter Freeway
Suite 700
Irving, TX 75062

Counsel for Nexstar Media Inc.

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COMMENTS OF NEXSTAR MEDIA INC.

Nexstar Media Inc. ("Nexstar") appreciates and supports the Federal Communications Commission's ("FCC" or "Commission") commitment to "alleviating unnecessary regulatory burdens."[1] As the nation's largest local television broadcaster, Nexstar is acutely aware of how these encumbrances hamper the ability of broadcasters to serve their local communities. Even as the last three decades have seen the rise of the Internet, streaming services, and a burgeoning number of linear and on-demand video programming offerings on a host of platforms, television broadcasters like Nexstar are still subject to a regulatory regime with origins in the 1940s, while their competitors are not and have never been.

That antiquated and one-sided regime has long overstayed its welcome. If local broadcasting is to continue to play an indispensable role (or even survive) in the competitive marketplace—providing communities with often the only reliable local news, sports, weather, and emergency information—broadcasters must be allowed to compete and innovate without the artificial structural restraints imposed by the FCC's national and local media ownership rules. This is, as Chairman Carr has explained, a "break glass moment for America's broadcasters."[2] The existing television ownership restrictions, moreover, uniquely burden Nexstar, while hampering

[1] Press Release, FCC, FCC Chairman Carr Launches Massive Deregulation Initiative (Mar. 12, 2025), https://tinyurl.com/yc7fx6ck ("Delete Proceeding News Release"); *see also In Re: Delete, Delete, Delete*, Public Notice, DA 25-219 (rel. Mar. 12, 2025) ("Public Notice").

[2] Press Release, FCC, Carr Statement on FCC's Denial of WADL TV's Application (Apr. 23, 2024), https://tinyurl.com/4ra3rp2e ("Carr WADL TV Statement").

the success of the broadcast industry as a whole. For decades now, the rules have been in flux due to shifting political winds, decades of litigation, and resulting uncertainty, but Nexstar has still invested heavily to grow into the nation's leading broadcaster. Along the way, Nexstar has individually fallen victim to actions that have weaponized alleged ambiguity in the FCC's rules to dramatically alter the consequences of transactions the agency previously reviewed and approved.[3] Nexstar's commitment to well-serving local communities has nevertheless remained unyielding, even in the face of ever-increasing competition, decreasing retransmission consent rates, and growing production costs. But even the strongest of commitments cannot override the reality that the local broadcast industry simply will not survive if the existing ownership restrictions remain in place.

Indeed, in 2023, then-Commissioner Carr recognized this reality and summarized the situation cogently. He explained that a "vibrant media marketplace" belies "the fiction that … broadcast television stations exist in markets unto themselves."[4] Rather, competition from "video streaming services too numerous to quantify or recount" has "fundamentally altered the competitive landscape" and requires an immediate rollback of the Commission's "outdated set of … television rules."[5] Chairman Carr's analysis was (and remains) spot on. "The law," "the facts," and "the public interest" warrant repeal of the Commission's National Television Ownership Cap and the Local Television Ownership Rule.[6] That was true in 2023 (as it was for many years

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[3] *See id.*; *see also Mission Broadcasting, Inc. Licensee of Station WPIX, New York, NY*, Notice of Apparent Liability for Forfeiture, FCC 24-34, Concurring Statement of Commissioner Brendan Carr (rel. Mar. 21, 2024), https://tinyurl.com/bdnndm4c.

[4] *2018 Quadrennial Regulatory Review*, Report and Order, 38 FCC Rcd 12782, 12873 (2023) (Dissenting Statement of Commissioner Brendan Carr) ("2018 Quadrennial Review Order").

[5] *Id.*

[6] *Id.*

previously), and it is even more true today.

I. REVOLUTIONARY CHANGES IN THE VIDEO PROGRAMMING AND ADVERTISING MARKETS REQUIRE A FRESH LOOK AT BROADCAST OWNERSHIP REGULATION.

Nexstar and other stakeholders have for years demonstrated how the Commission's National Television Ownership Cap and Local Television Ownership Rule run counter to the public interest and cannot be sustained in the face of current marketplace realities. The following sections update and expand upon these showings, adding to the already overwhelming record demonstrating that the current regulations affecting television ownership have long outlived their utility.[7]

A. The Commission's Modern Television Ownership Rules Were Designed For The Media Marketplace Of The 1940s.

The Commission first adopted rules to limit the number of television broadcast stations a single entity could own in 1941.[8] Those rules were adopted in a fundamentally different world—one in which the Internet, personal computers, mobile devices, and cable television did not exist. The first satellite would not orbit Earth for another decade. Although the United States had not yet entered World War II, most Americans that decade would "follow[ ] the news of the war through three sources: radio broadcasts, newspapers—there were more than 11,000 in the country

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[7] Attached as Appendices to these comments and for inclusion in the record of this proceeding are copies of Nexstar's most recent submissions concerning the Local Television Ownership Rule and the National Television Ownership Rule. *See* Appendix A (Comments of Nexstar Media Inc., MB Docket No. 22-459 (filed Mar. 3, 2023) ("Nexstar Mar. 2023 Comments")); Appendix B (Reply Comments of Nexstar Media Inc., MB Docket No. 22-459 (filed Mar. 20, 2023)); Appendix C (Comments of Nexstar Broadcasting, Inc., MB Docket No. 17-318 (filed Mar. 19, 2018) ("Nexstar Mar. 2018 Comments")); Appendix D (Reply Comments of Nexstar Broadcasting, Inc., MB Docket No. 17-318 (filed Apr. 18, 2018)). Separately, market-specific information from Nexstar General Managers operating local television stations around the country which further demonstrates why repeal of the rules will foster investment in local journalism will be submitted in this docket.

[8] *See Rules and Regulations*, Order, 6 Fed. Reg. 2282, 2284–85 (May 6, 1941).

then—and newsreels that preceded the movies at their local theatres."[9] At the time, no more than "a few thousand American homes owned television sets."[10] And those that did watched television in black and white and had only a few large networks from which to choose.[11] The first television commercial had not yet aired.[12]

Incredibly, although today's media landscape is unrecognizable from that of the 1940's, the Commission's television-broadcast rules have remained largely unchanged. *First*, the Commission maintains a national television ownership cap which prohibits a person from owning "television stations which have an aggregate national audience reach exceeding thirty-nine (39) percent."[13] *Second*, the Commission maintains a local television ownership rule that (i) prohibits a person from owning more than two full-power television stations in a local geographic market called a Designated Market Area ("DMA"), and (ii) provides that only one of those two stations may be ranked among "the top four stations in the DMA."[14]

As further explained below, these 1940's-era restrictions make no sense in a competitive landscape where broadcast television competes with Big Tech. The restrictions have survived "long after their shelf life … expired" solely due to regulatory inaction, historical bureaucratic

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[9] *Communication: News & Censorship*, PBS, https://tinyurl.com/mr2c673c (last visited Apr. 10, 2025).

[10] *Golden Age of Radio in the US*, Digital Public Library of America, https://tinyurl.com/5n8uv3y8 (last visited Apr. 10, 2025).

[11] *See Television (1939-1957)*, Duke University Libraries, https://tinyurl.com/4vdnaztj (last visited April 10, 2025).

[12] *See 1940's: Broadcast Media Unifies the Nation*, NBCUniversal, https://tinyurl.com/5n9a2vmp (last visited April 10, 2025).

[13] 47 C.F.R. § 73.3555(e)(1).

[14] *Id.* § 73.3555(b).

inefficiency, and partisan politics—exactly the proper targets of Commissioner Carr's directive.[15]

B. A Fundamentally Changed Media Marketplace Has Rendered The Commission's Television Ownership Rules Inconsistent With The Public Interest.

Today, instead of daily newspapers and nightly news broadcasts, a plethora of "online audio and video streaming services too numerous to quantify or recount have all emerged and fundamentally altered the competitive landscape."[16] In this modern landscape, the Commission's antiquated ownership rules undermine the public-interest goals that the FCC is obligated to promote: competition, localism, and viewpoint diversity.[17]

The modern media landscape—defined by Big Tech, ubiquitous social media, and on-demand streaming services—is hypercompetitive. American television viewers live in "a world where literally hundreds if not thousands of programming choices are available at any given moment."[18] Unprecedented growth in online video distributors and streaming services in addition to traditional cable and satellite multichannel video programming distributors—combined with Americans' increased dependence on smartphones, tablets, and the Internet—have radically altered how "viewers interact with their local television stations."[19]

According to the FCC's 2024 Communications Marketplace Report, 80% of U.S. adults watch streaming video over a typical 30-day period.[20] In March 2024 alone, online video

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[15] Delete Proceeding News Release.

[16] 2018 Quadrennial Review Order at 12873 (Dissenting Statement of Commissioner Brendan Carr).

[17] *FCC v. Prometheus Radio Project*, 592 U.S. 414, 418 (2021).

[18] Nexstar Mar. 2023 Comments at 10–11.

[19] Comments of Nexstar Broadcasting, Inc., MB Docket No. 17-105, at 1–2 (filed July 5, 2017).

[20] *Communications Marketplace Report*, GN Docket No. 24-119, 2024 Communications Marketplace Report, FCC 24-136 ¶ 238 (rel. Dec. 31, 2024) (citations omitted).

distributors "accounted for 38.5% of total U.S. TV viewing."[21] Furthermore, "Netflix and Amazon Prime Video each have about 70 million active users in the United States."[22] Then there is social media. Americans consume massive amounts of content on platforms such as YouTube, Instagram, and TikTok.[23] The combined effect is that "the explosive growth of new and previously existing unregulated video outlets, including on-demand news, a la carte entertainment, and streaming" creates relentless competition for limited eyeballs and advertising dollars.[24]

The Commission's outdated ownership rules cripple television broadcasters' ability to compete in this environment. Unlike their competitors, television broadcasters are saddled with decades-old ownership restrictions. Indeed, as 73 members of Congress from both political parties recently emphasized to the Commission, "any one of the largest Big Tech platforms dwarfs the entire broadcast industry – yet they are held to no similar limitations on their reach."[25] And the results speak for themselves. The rise of unregulated video competitors has siphoned off television broadcasters' audience share at an exponential pace over the last 20 years.[26] Television stations' "advertising revenues have declined by 37.3 percent in real terms since 2000."[27] And this drop in revenues is exacerbated by high and constantly rising station operating costs.[28] The Commission's

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[21] *Id.* (citations omitted).

[22] *Id.* (citations omitted).

[23] *See* Nexstar Mar. 2023 Comments at 14.

[24] *Id.* at i.

[25] Letter from Rep. Richard Hudson et al., to Brendan Carr, Chairman, FCC, at 1 (Mar. 28, 2025), https://tinyurl.com/4awdnstf ("Mar. 2025 Bipartisan Congressional Media Ownership Letter"); *see* Nexstar Mar. 2023 Comments at Attachment A.

[26] Comments of the National Association of Broadcasters, MB Docket No. 18-349, at 87–92 (filed Sept. 2, 2021) ("NAB 2021 Comments"); *see* Nexstar Mar. 2023 Comments at Attachment B.

[27] NAB 2021 Comments at 96.

[28] *See* Nexstar Mar. 2023 Comments at 6–7.

continued retention of its television ownership rules not only "ignor[es] the competitive realities of the modern video marketplace," but also "turn[s] them on their head."[29]

The Commission's television ownership rules undermine localism. Television broadcasters are "uniquely committed and suited to providing high-quality local news and information to viewers."[30] These commitments also extend beyond local newsrooms and program production to community partnerships, such as the community-based charities and non-profits that Nexstar stations support, which raised more than $130 million last year with Nexstar's help. But the Commission's ownership restrictions prevent broadcasters from achieving "economies of scale" and thus "hamper[s] their ability to develop and air programming that is suited to meet the unique needs and interests of their local communities."[31] As then-Commissioner Carr recognized in 2018, "[t]hese outdated rules have taken up too many dollars and too much manpower—resources that could be going to newsgathering or upgrading facilities so broadcasters can better serve their local communities."[32] And as he reiterated last month, "we need to let some of these broadcasters get to scale so they can hire [more] local reporters."[33]

It is the same for viewpoint diversity. Today, a cacophony of voices offers an unprecedented number of viewpoints both online and across broadcast and cable. As the Commission itself recognized in 2017, there are many "independent digital-only news outlets with

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[29] 2018 Quadrennial Review Order at 12875 (Dissenting Statement of Commissioner Nathan Simington).

[30] Nexstar Mar. 2023 Comments at 7.

[31] Nexstar Mar. 2018 Comments at 22.

[32] Remarks of FCC Commissioner Brendan Carr at the 2018 National Association of Broadcasters Show, Las Vegas, NV, at 2 (Apr. 10, 2018), https://tinyurl.com/5yhx3yn5.

[33] *FCC Chair Hopes to Ease Regulations on Broadcast Media*, NewsNation (Mar. 6, 2025), https://tinyurl.com/msrpvh6u ("Chairman Carr NewsNation Interview").

no print or broadcast affiliation, many with a local or hyperlocal focus."[34] Further, dozens of studies have debunked any link between station ownership and viewpoint diversity.[35] Thus, the Commission's ownership restrictions—while incredibly harmful to broadcasters—do nothing to advance this public-interest goal either.

The Commission's outdated ownership rules also undermine broadcasters' ability to serve as trusted gatekeepers. That is particularly harmful in an era of online dis- and misinformation. Local broadcasters prevent communities from becoming "vulnerable to misinformation from unverified sources on social media."[36] And they are uniquely suited to serve in this role. Local stations have and continue to maintain a revered position of trust, as "[a]cross the political spectrum, Americans trust their local news more than any other source."[37] That is because "[b]roadcasters play an indispensable role in holding government accountable, fostering civic engagement, and ensuring public safety awareness."[38] Thus, as Chairman Carr recently highlighted, local broadcasters should be allowed "the freedom to serve their local communities."[39]

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[34] *2014 Quadrennial Regulatory Review*, Order on Reconsideration and Notice of Proposed Rulemaking, 32 FCC Rcd. 9802, ¶ 19 (2017).

[35] Reply Comments of the National Association of Broadcasters, MB Docket No. 18-349, at 24–25 n.66 (filed Oct. 1, 2021).

[36] Mar. 2025 Bipartisan Congressional Media Ownership Letter at 1.

[37] *Id.*

[38] *Id.*; *see also* Curtis LeGeyt, *A 'break glass moment': How Washington can prevent a Big Tech takeover of local news*, The Hill (Feb. 28, 2025), https://tinyurl.com/bdev5psa ("When wildfires spread, hurricanes hit or tornadoes tear through communities, local broadcasters are the first and most reliable source of emergency information. When decisions are made during local school board or city council meetings, local stations keep you informed. They provide the accountability for bad actors, and good news about our neighbors — informing our days and bringing us together.").

[39] Cynthia Littleton, *FCC Chief Brendan Carr Wants to 'Re-Empower' Local TV Stations and Consider Tighter Regulation of Social Media Giants*, Variety (Feb. 27, 2025),

Taken together, it is plain that the Commission's outdated and burdensome ownership rules undermine television stations' ability to compete with their unregulated rivals and to provide the primary outlet for free, credible, and timely local news. The time has long passed to modernize the FCC's approach to television ownership regulation and allow broadcasters to achieve the economic efficiencies that have never been denied to their current-day competitors.

II. THE COMMISSION SHOULD REPEAL THE NATIONAL TELEVISION OWNERSHIP CAP AND THE LOCAL TELEVISION OWNERSHIP RULE.

A. The Communications Act, The Telecommunications Act, And The Administrative Procedure Act Compel Amendment Or Repeal Of Regulations That Do Not Serve The Public Interest.

The Commission is right to reconsider whether its existing regulations remain necessary. The Administrative Procedure Act ("APA") and the Communications Act give the Commission authority not only to "formulat[e]" rules but also to "amend[ ]" and "repeal[ ]" them.[40] Both of those statutes and the Telecommunications Act of 1996 ("1996 Act")[41] *require* such amendments or repeals where existing rules no longer serve the public interest.

Section 202(h) of the 1996 Act requires the Commission every four years to "review … all of its [media] ownership rules" and "determine whether any of such rules are necessary in the public interest as the result of competition."[42] "The Commission shall repeal or modify any

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https://tinyurl.com/39z9ujvm (describing Chairman Carr's remarks at the "Innovation to Restore Trust in News: A National Summit").

[40] *See* 5 U.S.C. §§ 551(5) ("'rule making' means agency process for formulating, *amending, or repealing* a rule" (emphasis added)); 553 (authorizing agency "rule making"); 47 U.S.C. § 154(i) (granting Commission authority to "make such rules and regulations … as may be necessary in the execution of its functions"); *see also Perez v. Mortg. Bankers Ass'n*, 575 U.S. 92, 101 (2015).

[41] Telecommunications Act of 1996, Pub. L. No. 104-104, § 202(h), 110 Stat. 56, 111–12 ("1996 Act").

[42] *Id.*

regulation it determines to be no longer in the public interest."[43] As the Supreme Court has explained, "Section 202(h) establishes an iterative process that requires the FCC to keep pace with industry developments and to regularly reassess how its rules function in the marketplace."[44] Although the National Television Ownership Cap is exempt from Section 202(h), the periodic-review procedure applies with full force to the Local Television Ownership Rule.[45]

Next, Section 303(r) of the Communications Act provides that "the Commission from time to time, as public convenience, interest, or necessity requires, *shall* … [m]ake such rules and regulations … as may be necessary to carry out the provisions of" the Communications Act.[46] And Section 307(a) provides that "[t]he Commission, if public convenience, interest, or necessity will be served thereby … *shall grant* to any applicant therefor a station license."[47] Because "the word 'shall' imposes a mandatory command," the Commission is statutorily required to ensure that its rules authorize television-station licensure where it is in the public interest.[48] That command necessarily entails periodic review of the Commission's television ownership rules.

The APA compels the same. Under the APA, "agency action" is "unlawful" when it is "arbitrary," "capricious," or contrary to statute.[49] "Agency action" is, in turn, defined to include not only an "agency rule" or "order" but also an agency's "failure to act."[50] The FCC thus has an

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[43] *Id.*

[44] *Prometheus*, 592 U.S. at 419.

[45] *See* Consolidated Appropriations Act, 2004, Pub. L. No. 108-199, § 629(3), 118 Stat. 3, 100 ("2004 Appropriations Act").

[46] 47 U.S.C. § 303(r) (emphasis added); *see also id.* § 154(i).

[47] *Id.* § 307(a) (emphasis added); *see also id.* § 309(a).

[48] *See Bufkin v. Collins*, 145 S. Ct. 728, 737 (2025).

[49] *See* 5 U.S.C. § 706(2).

[50] *Id.* §§ 701(b)(2); 551(13).

affirmative obligation to ensure that maintenance of the status quo remains lawful. As the D.C. Circuit has explained, "[t]he Commission's necessarily wide latitude to make policy based upon predictive judgments deriving from its general expertise implies a correlative duty to evaluate its policies over time to ascertain whether they work—that is, whether they actually produce the benefits the Commission originally predicted they would."[51] Applied here, "the Commission must demonstrate why its" television ownership rules are "still in the public interest."[52] The answer is clear: they are not.[53]

B. The Criteria Identified In The Public Notice Compel Repeal Of The National Television Ownership Cap And The Local Television Ownership Rule.

The Commission asks commenters to identify rules that, *inter alia*, (i) are based on unlawful readings of statutes following the Supreme Court's decision in *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024),[54] (ii) have been rendered "unnecessary or inappropriate" based on "marketplace" or "technological" changes,[55] or (iii) impose more costs than benefits.[56] The Commission's National Television Ownership Cap and Local Television Ownership Rule should both be repealed under these criteria.

1. The Commission Must Repeal The National Television Ownership Cap.

The Commission's national ownership cap was always designed to evolve with marketplace conditions. The national cap was limited to three stations in 1941, increased to seven

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[51] *Bechtel v. FCC*, 957 F.2d 873, 881 (D.C. Cir. 1992) (citations omitted).

[52] *Id.*

[53] *See supra* Section I.

[54] Public Notice at 4–5.

[55] *Id.* at 3.

[56] *Id.* at 2–3.

in 1954, and increased again to twelve in 1984.[57] In 1985, the Commission imposed a parallel cap of 25% nationwide audience reach.[58] In 1996, Congress instructed the Commission to increase the audience-reach cap to 35% and to eliminate the 12-station limit.[59] And in 2004, Congress instructed the Commission to set the cap at 39%.[60] Although the 39% cap was fashioned for the media marketplace of 2004—predating behemoths like Amazon Prime and YouTube—it has remained unchanged for two decades. However, Congress did not mandate a permanent 39% cap; rather, it specifically directed the Commission to "modify its rules" to reflect that cap.[61] By instructing the FCC to make a one-time modification to the rule, Congress understood that the rule could—and must—subsequently be "amend[ed]" or "repeal[ed]" by the Commission when doing so is in the public interest.[62]

The Commission must do so now. The Communications Act and the APA compel repeal of the National Television Ownership Cap because it no longer serves the public interest and has been rendered unnecessary and inappropriate based on marketplace and technological changes.[63] As "[t]he FCC has long explained," public interest in this context requires an assessment of whether the agency's "ownership rules" continue "to promote competition, localism, and viewpoint diversity."[64] As detailed above, the National Television Ownership Cap undermines all

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[57] *Amendment of Section 73.3555(e) of the Commission's Rules, National Television Multiple Ownership Rule*, Notice of Proposed Rulemaking, 32 FCC Rcd 10785, ¶ 2 (2017) ("National Television Ownership Cap NPRM").

[58] *Id.*

[59] *Id.* ¶ 3; *see also* 1996 Act § 202(c)(1).

[60] 2004 Appropriations Act § 629.

[61] 1996 Act § 202(c)(1); *see* 2004 Appropriations Act § 629(1).

[62] *See supra* § II.A; *see also* National Television Ownership Cap NPRM ¶ 8.

[63] *See* Public Notice at 3.

[64] *Prometheus*, 592 U.S. at 418.

three. Indeed, two are not in dispute because the Commission has recognized for decades that retention of the national cap is not justified by competition or viewpoint diversity.[65] And as Nexstar and others have shown for years, neither does the national cap further any interest in localism.[66] To the contrary, because the national cap constrains broadcasters' ability to compete for advertising—and "advertising is what supports local journalism"—the national cap *undermines* localism.[67] For the same reasons, the national cap imposes significant costs with no corresponding benefits. And by depriving "broadcasters" of the ability "to get to scale," the national cap also undermines innovation.[68]

Thus, the Commission can—and must—repeal the National Television Ownership Cap.

2. The Commission Must Repeal The Local Television Ownership Rule.

The Commission must repeal the Local Television Ownership Rule, foremost, because it is "based on a past FCC interpretation of statutory language that should be revisited in light of *Loper Bright*."[69] The Commission's previous finding that the Local Television Ownership Rule was "necessary" was based on an erroneous reading of Section 202(h) of the 1996 Act.[70]

The proper reading under Section 202(h) mandates that the Commission "shall repeal or modify" its television ownership rules,[71] following a series of subsections that "eliminat[ed]," "revise[d]," and "relax[ed]" rules.[72] And it is entitled "*Further* Commission Review," confirming

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[65] *See* Nexstar Mar. 2018 Comments at 12–21.

[66] *Id.* at 21–25.

[67] *See* Chairman Carr NewsNation Interview.

[68] *See id.*

[69] Public Notice at 4.

[70] 2018 Quadrennial Review Order ¶¶ 11–26, 66.

[71] 1996 Act § 202(h).

[72] *Id.* § 202(a)–(f).

that the agency should continue those deregulatory efforts.[73] The 2018 Quadrennial Review Order's failure to recognize the fundamentally deregulatory standard and purpose of Section 202(h)—instead employing a "'plain public interest' standard"[74]—renders unlawful the Commission's retention of the Local Television Ownership Rule. As then-Commissioner Carr explained in dissent, "the Commission has consistently ignored Congress's deregulatory mandate under" Section 202(h).[75]

The 2018 Quadrennial Review Order also failed to consider competition from non-broadcast sources.[76] Section 202(h) uses the word "competition" without qualification. And the 1996 Act was specifically enacted *because* of non-broadcast media sources, such as the "rapidly developing array of Internet and other interactive computer services,"[77] and the "pervasive" effects of cable programming.[78] The 2018 Quadrennial Review Order's failure to consider non-broadcast competition—instead opting for an "ostrich-like approach" that "ignore[s] … the realities of the modern media marketplace"—also renders unlawful its retention of the Local Television Ownership Rule.[79] For these and other reasons explained in briefing challenging the

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[73] *Id.* § 202(h) (emphasis added); *see Dubin v. United States*, 599 U.S. 110, 120–21 (2023) ("the heading of a section" resolves "doubt about the meaning of a statute" (cleaned up)); *see also* 1996 Act, Preamble (stating that the purpose of the 1996 Act was to "promote competition and *reduce* regulation") (emphasis added).

[74] 2018 Quadrennial Review Order ¶ 16.

[75] *Id.* at 12873 (Dissenting Statement of Commissioner Brendan Carr).

[76] *See id.* ¶¶ 73–81 (considering "competition *among* local broadcast television stations" (emphasis added)).

[77] 1996 Act § 230(a)(1).

[78] *Id.* § 551(a)(2).

[79] *See* 2018 Quadrennial Review Order at 12873 (Dissenting Statement of Commissioner Brendan Carr).

Commission's 2018 Quadrennial Review Order,[80] the Local Television Ownership Rule is based on an erroneous "reading of the relevant statutory language" and should thus be repealed for that reason alone.[81]

In addition, the Local Television Ownership Rule must be repealed because it is no longer consistent with the public interest and has been rendered unnecessary and inappropriate by changes in both the media marketplace and technology.[82] As explained above, the rule undermines competition, localism, and viewpoint diversity. The reason is simple: the rule treats "the market as it was and not where it is going."[83] The result is a regulation that imposes serious costs on broadcasters with no corresponding benefits—at a time when "[t]he FCC should be focused on decisions that will make it easier for broadcasters to attract the capital necessary for them to invest, compete, and serve their local communities."[84] And the rule not only generally deprives broadcasters of the scale they need to innovate, but it also penalizes broadcasters that use multicasting to deliver more to their customers with less spectrum.[85]

Thus, the Commission must repeal the Local Television Ownership Rule.

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[80] *See, e.g.*, Opening Brief of Petitioners, *Zimmer Radio of Mid-Missouri Inc. v. FCC*, Nos. 24-1380, 24-1480, 24-1493, 24-1516, 2024 WL 4881550 (8th Cir. filed Nov. 19, 2024); Final Brief for Television Affiliates Intervenors, *Zimmer Radio of Mid-Missouri Inc. v. FCC*, Nos. 24-1380, 24-1480, 24-1493, 24-1516, 2024 WL 4885678 (8th Cir. filed Nov. 19, 2024), 2024 WL 4885678.

[81] *See* Public Notice at 4-5.

[82] *See id.* at 3.

[83] 2018 Quadrennial Review Order at 12874 (Dissenting Statement of Commissioner Brendan Carr).

[84] Carr WADL TV Statement at 2.

[85] *See* 47 C.F.R. § 73.3555, Note 11(b); *see also* 2018 Quadrennial Review Order at 12875 (Dissenting Statement of Commissioner Nathan Simington) (explaining that "novel application" of the Local Television Ownership Rule to "multicast streams … is without factual foundation" and "hastens the death of local news in small markets").

III. CONCLUSION

For the foregoing reasons, Nexstar respectfully requests that the Commission repeal the National Television Ownership Cap and the Local Television Ownership Rule.

April 10, 2025

Kathleen A. Kirby
Eve Klindera Reed
Boyd Garriott
Stephanie Rigizadeh
Wiley Rein LLP
2050 M Street NW
Washington, DC 20036

Rachel Morgan
Executive Vice President & General Counsel
Nexstar Media Inc.
545 E. John Carpenter Freeway
Suite 700
Irving, TX 75062

Counsel for Nexstar Media Inc.